

LINCOLN PLANNING BOARD

JULY 19, 2007

MINUTES

A special meeting of the Planning Board was held on Thursday, July 19, 2007, at the Town Hall, 100 Old River Road, Lincoln, RI.

Chairman Mancini called the meeting to order at 5:33 p.m. The following members were present: John Mancini, Gregory Mercurio, Michael Reilly, Kenneth Bostic, and Gerald Olean. Absent were Fred Ordonez and John Hunt. Also in attendance were Town Planner Albert Ranaldi, and Assistant Town Solicitor Joelle Sylvia. Albert Ranaldi kept the minutes.

Chairman Mancini advised five members present; have quorum.

MAJOR SUBDIVISION REVIEW

a. Forest Park AP 20 Lot 15 Preliminary Plan Extension

- LPD Development, LLC Breakneck Hill Road Discussion / Approval

Mr. Ranaldi presented a brief history of this project. He stated that the project is under the 1986 Subdivision regulations, has had years of litigation, and then finally preliminary plan approval by the present developer. Mr. Ranaldi explained that the project has had numerous

extensions.

Mr. Joseph Larisa, attorney for the developer explained the need for the preliminary plan extension. The developer has the project up for sale and has several offers from private developers. However, there has not been an accepted deal. Mr. Larisa explained that the developer has offered the property to the Town but this offer was in its very preliminary stages.

Chairman Mancini stated that the Planning Board is a separate entity and does not get involved in the town's business relative to buying or selling property. The Planning Board will listen to all interested parties; however; some would argue that if the Planning Board denies the extension, then the land may be less valuable and the town could get the land for a cheaper price. Assistant Town Solicitor Joelle Sylvia advised that this is not a good legal action to consider.

Mr. Larisa stated that they have time to record the subdivision but would like to avoid recording it as a subdivision.

Mr. Reilly asked why he did not come before the Planning Board in June. Why did you put us in this position?

Mr. Larisa explained that they had a church group who was actively pursuing the purchase of the property during the month of June; however, they have since pulled out.

Chairman Mancini stated that he had to give a deposition for Eddy Carvalho, prior owner of this property and stated that this development has a very long history. His feeling is that he doesn't object to a 60 day extension. He knows of the legal problems that this project has had over the years. He knows of the compromise that the developer has offered on the design to make the project meet most of the recent subdivision regulations. Chairman Mancini said he is only considering this 60 day extension because the developer has offered and incorporated compromising in the design. Chairman Mancini wants to concentrate on the merits of the development only.

Mr. Bostic asked what the difference is between the 1986 subdivision regulations and the current one. Mr. Ranaldi explained the differences. Chairman Mancini stated that the plan is set as it is and cannot be revised.

Mr. Mercurio asked if the church bought the property and come before the Town that they would need variances and the plan is valuable. He asked what about sewers. Mr. Ranaldi explained that sewers can go in the road within a year because the five year moratorium for cutting into a new State road would be over. Again, Chairman Mancini stated that the plan can be changed from what has been previously approved.

Mr. Mercurio asked how is the developer benefited or disadvantaged.

Mr. Larisa stated that the market is going down. Property values are down. Other uses see the property as valuable. Everything else other than this project has to go through the process. They want the status quo for 60 more days. Mr. Mercurio questioned that if the Town has interest in acquiring the property but the project was recorded and more funds were invested by the developer then the price is less flexible. Now, the project price is negotiable so the Town can compete in the market.

Mr. Mercurio made motion to approve the extension with no further extensions after the 60 days and for the developer not to come back again.

Chairman Mancini stated that you can not put that into a motion.

Mr. Mercurio withdrew second sentence of his motion (and for the developer not to come back again). Mr. Reilly seconded the motion. He stated to the developer that he should know his timetable.

Mr. Olean asked if you need a majority of the members. Chairman Mancini said that you need four votes to pass.

Assistant Town Solicitor Joelle Sylvia advised that the Planning Board should not base their decision or consideration on the Town's interest in this project.

Mr. Ranaldi explained that when the developer approached him about asking for an extension that Mr. Ranaldi did not know how the Planning Board would receive his request. Mr. Ranaldi spoke to Chairman Mancini about the developers request earlier in the week and Chairman Mancini said to have a special meeting and put the applicant on the agenda. He wanted to give the developer every opportunity he can to succeed.

Town Administrator T. Joseph Almond addressed the Planning Board. Mr. Almond explained that the letter he submitted was meant as a full disclosure that he had a discussion with the developers about the Town purchasing the property.

Mr. Mercurio asked Joelle Sylvia if he should amend his motion. Ms. Sylvia said yes. Mr. Mercurio restated his motion. Mr. Mercurio made motion to approve a 60 day extension with no further extensions after the 60 days. Mr. Reilly seconded the motion.

Chairman Mancini called for a roll call vote. Mr. Reilly voted yes, Mr. Mercurio voted yes, Mr. Bostic voted yes, Chairman Mancini voted yes, and Mr. Olean voted no. Motion passed 4-1.

There being no further business to discuss, on a motion made by Mr. Reilly and seconded by Mr. Olean, it was unanimously voted to adjourn. Meeting adjourned at 6:37 PM.

Respectfully submitted,

Albert V. Ranaldi, Jr. AICP

Administrative Officer to the Planning Board